APPENDIX

Case 1:15-cv-00767-PEC Document 169-1 Filed 10/24/22 Page 2 of 31

Date: 3/20/2012 9:51:00 AM

From: "Christopher Mucke" cmucke@aclrsbs.com

To: "Jason Barnes" jbarnes@aclrsbs.com Subject: December 2011 Monthly Report

Attachment: Part D RAC Monthly Progress Report.1211.pdf;

Tanette has yet to get back to us on reporting formats. Please upload into the RAC Portal.

Christopher Mucke | Managing Principal | ACLR, LLC | 38705 7 Mile Rd, Ste 460 | Livonia, Michigan 48152-3975 | 744 - 4401 | 4401 | 744 - 4150 | 744 - 4150 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 |

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38705 Seven Mile Road Suite 460 Livonia, Michigan 48152 Ph: 734.744.4400

Fax: 734.744.4150

January 5, 2012

Marnie Dorsey
Contracting Office Technical Representative
Center for Program Integrity / Division of Plan Oversight and Accountability
7500 Security Boulevard
Mail Stop: AR-18-50
Baltimore, MD 21244-1850

Re: Monthly Progress Report

Recovery Audit Services in Support of Medicare Part D

Contract #: GS-23F-0074W

Task Order #: HHSM-500-2011-00006G

Dear Ms. Dorsey:

The attached progress report reflects the activities and key events that occurred from December 1 through December 31, 2011, as well as upcoming events for the month of January 2012.

Please let me know if there is any further information you require.

Very truly yours,

Christopher A. Mucke

Project Director

cc: Wheeler, Desiree; CMS/OAGM, Contract Specialist

Barnes, Jason; ACLR, Audit Director

Dixon, Bruce; ACLR, Systems Security Officer



Progress Report

Project Name	Recovery Audit Services in Support of Medicare Part D
Task Order Number	HHSM-500-2011-00006G
CMS COTR	Marnie Dorsey
Reporting Period	December 1 through December 31, 2011

Key Accomplishments:

- Receipt of PDE data files via TIBCO.
- Execution of Contract Suspended by CMS Contract Office/Review of Revised SOW.
- Website Content Call with CMS/Booz to discuss items in website including plan sponsor access related security issues- December 9, 2011.
- Part D Impact Calculation Process Discussion December 9, 2011.
- Filed REA to address delays and contract suspension December 18, 2011.
- One PI Business Objects Advanced Training Canceled December 22, 2011.
- Reconciled PDE data to year end reconciliations December 29, 2011.
- ACLR SSO uploaded documentation into CFACTS supporting the closure of MITRE security assessment findings pending verification by CMS.

Upcoming Events:

ACLR/CMS/Livanta Kick-off Meeting - January 3, 2012.

<u>Action Items:</u>

- Continue to import 2008 and 2009 PDE data from ACLR's file transfer server into ACLR's SQL Server data base (January 2012).
- Continue recovery audit services in production environment (January 2012).
- Resolve contract/contract implementation variances (January 2012).
- Resolve findings identified in MITRE Security Assessment (ongoing).

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Synopsis:

Enterprise File Transfer: PDE data files continued to be transferred via TIBCO from CMS to ACLR; 2007 was completely transferred by 12/07/2011, 2008 by 12/16/2011, 2009 by 12/30/2011. 2007 PDE data was imported from ACLR's file transfer server into ACLR's SQL Server data base; totaling 970,936,460 PDE submissions.

Execution of Contract Suspended by CMS Contract Office: Execution of contract as awarded suspended by Desiree Wheeler. Revised SOW submitted by COTR on December 9th; questions and comments provided by ACLR to contract and program offices on December 14th.

Website Content: Attended conference call with CMS and Booz Allen to discuss website content for Part D RAC. Primary request by CMS included the ability for plan sponsors to access aclrrac.com to obtain exception reports and to determine the current status of audits; security risks to access also discussed.

Part D Impact Calculation Process: Chris Mucke attended meeting on December 9th with Lauren Strauss and Chris Mendez to review and discuss CMS Part D Impact Calculation Process & Part C/D Payment Processes.

REA: Request for Equitable Adjustment to address contract delays and suspension filed by ACLR with the Contracting Officer, Desiree Wheeler on December 19, 2012.

One PI – Business Objects Advanced Training: Michele Dunn contacted Chris Mucke and Jason Barnes on December 22 to inform them that the One PI – Business Objects Advanced Training class scheduled for January 4th and 5th was cancelled because, with recent withdrawals, there were fewer students than the accepted minimum.

PDE Data Reconciliation: Attended meeting with Teresa Dangerfield, Tanette Downs, and Lauren Strauss on December 29 to discuss reconciling PDE data to Plan Reconciliation Amounts. ACLR analyzed PDE data and determined data reconciled to amounts associated with the Contract of Record (PTAP_CNTRT_OF_REC) and PDE of Record (PTAP_PBP_OF_REC) fields not the Contract Number (PTAP_CONTRACT_NUM) and PBP ID (PTAP_PBP_ID) fields.

RAC Part D ACLR Security Assessment Findings: ACLR SSO continued to upload documentation supporting the closure, pending verification by CMS, of security assessment findings submitted by MITRE in the RAC Part D ACLR Security Assessment Final Test Report.

As of December 1, 2011 the remaining open findings are summarized below:

	Constant of	Lev	/el	MI TOWNS
Open Findings	High	Medium	Low	Totals
December 1, 2011	0	4	3	7

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ACLR continued to address and resolve findings during the month of December; resolved findings are pending verification of supporting documentation by CMS. As of the month of December, the remaining open findings are summarized below:

		Le	vel	
Open Findings	High	Medium	Low	Totals
December 31, 2011	0	4	2	6

ACLR is working on completing 5 of the 6 remaining findings and anticipates that they will be closed within the next two months. In addition, the System Security Plan, Risk Assessment, and Contingency Plan wizards were completed in CFACTS and now can be systematically generated by CFACTS. All security controls in CFACTS were also updated.

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Date: 10/27/2011 11:29:15 AM

From: "Jason Barnes" jbarnes@aclrsbs.com
To: "Christopher Mucke" cmucke@aclrsbs.com
Cc: "Jason Barnes" jbarnes@aclrsbs.com

Subject: Updated Part D Liability Calculation. Outreach - Subsequent Issues Calculation

Attachment: Part D Liability Calculation.Outreach1.xlsx;

Jason Barnes | Audit Director | ACLR. LLC

38705 7 Mile Rd, Ste 460 | Livonia, Michigan 48152-3975 | 12 (734) 744 - 4403 | 1/2 (734) 744 - 4150 | 1/2 mailto:jbarnes@actrsbs.com

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CONFIDENTIAL DATA

Summary

Amounts Due/Owed - Im	Amounts Due/Owed - Improper Payment Issue #1
Direct Subsidy	\$43.00
Reinsurance	23.28
ucs	2.00
Totals	\$68.28

Amounts Due/Owed -	Amounts Due/Owed - Improper Payment Issue #2
Direct Subsidy	\$21.50
Reinsurance	11.64
ucs	1.00
Totals	\$34.14

Part D Liability Calculation.Outreach1

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Raw PDE Data

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Raw PDE Data

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	00'0 00'0 00'0	0.00 0.00	0.00 0.00 0.00	9.50	0.00	0.00	11,827.50	0.00	0.00	0.00	0.00	9.00	00.00	0.00	1.50 7.50	1.50 7.50	1.50 7.50	292.50 1,462.50	1.50 7.50	7.50	0.00 0.00 FG6	0000 0000 8:00	0.00	923	0.00 9.00 FGG	9.50	0.50	0.50	62.25 12,387.75	0.50 9.50	0.50	00.6	00.6	0.00	180.00	00.6	00.6	7.50	7.50	1.50 7.50	292.50 1.462.50	75.204 T +405.30
Low-income Cost- Sharing Subsidy Paid Amount Amount (LICS) (CPP)	10.00 0.00 0.00	2,800.00 0,00 0,00 0,00	10.00 0.00 0.00	0.00	10.00 0.00	10.00 0.00 9.50	12,450.00 0.00 11,827.50	10.00 0.00 9.50	10.00 0.00 9.50	0.00 0.00	0.00	0.00	000	00.0	0.00 1.50 7.50	0.00 1.50 7.50	0.00 1.50 7.50	0.00 292.50 1,462.50	0.00 1.50 7.50	1.50 7.50	10.00 0.00 EGB	16.00 0.00 9.00 FG6	30,090 0,000 0,000 9,000 150,000 0,00	255 00 b 00 0 00 0 00 0 00 0 0 0 0 0 0 0	0.00 0.00	0.50	0.50	10.00 0.50 9.50	62.25 12,387.75	10.00 0.50 9.50	0.50	00.0 00.0	00.0	0.00 0.00	0.00 180.00	0.00	0.00	1.50 7.50	1.50 7.50	0.00 1.50 7.50	0.00 292.50 1.462.50	100'00 TOO'0

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Health Insurance Clair Number (HICN)

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Low-Income Cost- Covered D Plan Sharing Subsidy Paid Amount Amount (LICS) (CPP)	0.75 3.75		0.00 4.50	30.000	0.00 2.542.50	0,00	0.00	0.00			0.00 202.50		0.00	0.75 3.75		0.75 3.75	1,48	0.75 3.75	0.75 3.75	0.00	0.00	0.00	0.00	0.00	20		0.00			1,48	Section 1	0.75 3.75		0.00 4.50	0,00	0.00 2,542.50	0.00				0.00 4.50
GDCA Low-in Shari	0000	00.0			00'0		00:00	0.00	0.00	00.00	00.00	00.0	00.0	00.0	00:00	00:00	00.00	00.0	0.00	0.00	00.0	00.0	00:00	00:0	00.0	00'0	000	000	00:00	0.00	0000	000	00:00				0.00	0.00	0.00	0.00	00:0
восв	2:00	2:00	00'5	3,000	2,825.00	900'5	2,00	8:00	5.00	2:00	225.00	5.00	2.00	2.00	2.00	2:00	1,975.00	2.00	2.00	2,00	200	2:00	2.00	2:00	225.00	5.00	00.0	2.00	5.00	1,975.00	2:00	2.00	9:00	2:00	2:00	2,825.00	5:00	2.00	2.00	2.00	2.00
Health Insurance Claim Number (HICN)	GH7777777	CHITTITITI	GHITTITITI	Service	GH777777777	GH77777777	GH777777777	HI88888888	HI88888888	HI88888888	HI88888888	HI88888888	HI888888888	HI88888888	HI88888888	HI88888888	HI88888888	H188888888	HISSBSSSSS	110000000000000000000000000000000000000	HISBSSSSSSS	666666661	666666661	666666666	1,99999999	666666669	0505050501	66666666	6666666661	666666661	99999999	666666661	565566661	6666666661	666666661	666666661	6666666611	8566666661	1КООООООООО	JK000000000	1коооооооо
Covered D Plan Paid Amount (CPP)	7.50	00.6	00:6	30,000	2,520,00	00 6	9.00	9.00	9.00	9.00	180.00	00.6	9.00	7.50	7.50	7.50	1,462.50	7.50	7.50	00.6	00.6	00.6	9.00	9.00	180.00	9.00	7.50	7.50	7.50	1,462.50	7.50	7.50	0006	9,00	9.00	2,520,00	9.00	6.00	9.00	9.00	00.6
Low-Income Cost- Sharing Subsidy Amount (LICS)	1.50	0.00	00:0	00,000			00:00	00:0	00:00	00.00	0.00	00.00	00:00	1.50	1.50	1.50	292.50	1.50	1.50	0000	00.0	00'0	00:00	0.00	00:00	0.00	1.50	1.50	1.50	292.50	1.50	1.50	000	00:00	0.00	00:0	0.00	0000	00.00	0.00	0.00
GDCA	00.0	00:0	00'0		0.00	00:00	00'0	00:00	00.0	00.00	00:00	00.00	00 0	00.00	00.00	00:00	00:00	00.00	0.00	000	0000	00.00	0.00	0.00	0.00	0.00	000	00:0	00'0	00:0	00:0	00:00	00:00	00.0	00:0	00:00	0.00	000	00:00	00:00	0.00
GDCB	10.00	10,00	10:00		2,800.00	10:00	10/00	10.00	10.00	10.00	200 00	10.00	10.00	10.00	10.00	10.00	1,950.00	10.00	10.00	100.00	10:00	10.00	10.00	10.00	200.00	10.00	00.01	10.00	10.00	1,950.00	10.00	10.00	10.00	10:00	10:00	2,800.00	10.00	10:00	10.00	10 00	10.00
Health Insurance Claim Number (HICN)	6677777777	222	777	100	777			HH88888888	HH88888888	HH88888888	HH88888888	HH88888888	HH88888888	HH88888888	HH88888888	HH88888888	HH88888888	HH88888888	HH88888888	000000000000000000000000000000000000000	000000000000000000000000000000000000000	666666666	666666666	99	666666666	666666666	66666666	66666666	666666666	666666666	66666666	66666666	66	96	66	66	66	6	000000000	000000000	0000000000

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Raw PDE Data

Paid Amount (CPP)	neath insurance claim Number (HICN)	500	500	Low-Income Cost- Sharing Subsidy Amount (LICS)	Covered D Plan Paid Amount (CPP)
00.6	1К00000000	2.00	0.00	0.00	4.50
7.50	0000000000	2.00	00:00	0.75	3.75
7.50	лкоосососос	2.00	00.00	0.75	3.75
7.50	JK000000000	2:00	0.00	0.75	3.75
1,462.50	000000000XI	1,975.00	0.00	296.25	1,481.25
7.50	JK000000000	2:00	00.0	0.75	3.75
7.50	JK000000000	8.00	00.0	STORY STATE	STATE SAME
9.00	экоророоро	2.00	00.0		
9,00	укороороор	2.00			, A.S.
9.00	экороороро				45
1.520.00	ІКОФООВОВО	2,825.00			2,542.5
9.00	экороороор	2.00			4.5
9,00	жероророро	2,00			4.5
9.50	JK000000000	00:00	5.00	0.25	4.75
9.50	УКООООООООО	00.00	5.00	0.25	4.75
9.50	УКООООООООО	00.00	5.00	0.25	4.7
12,387.75	ЛКОООООООООО	00:00	12,475.00	62.38	1,185.13
9.50	3K000000000	00.00	2.00	0.25	4.75
9.50	лкооооооооо	00:00	5.00	0.25	4.75
75.032.50	Totals	45.330.00	50.000.00	1 677 75	52 566 25

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nproper Payments -	4.
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Improper Payments Issue #1
Deductible
Initial Benefit
Catastrophic

Health Insurance Claim				
The state of the s	GDCB	SDCA CA	Low-Income	Covered D
Number (HICN)			Cost-Sharing	Plan Paid
2000年の日本112日			Subsidy	Amount
			Amount	(CPP)
THE PERSON NAMED IN			(נארא)	
AB11111111	8.00	0.00	00:0	00:0
A811111111	2.00	0.00	00.0	3.75
AB11111111	2:00	00.00	00.00	00:0
AB11111111	0.00	5.00	00'0	4.75
8C22222222	2:00	000	00'0	00:0
8C2222222	5.00	0.00	00:0	3.75
8C22222222	5.00	0.00	00.00	00:0
DE4444444	2.00	0.00	00.00	0.00
EF55555555	0.00	2:00	00.00	4.75
<i>СНТ77777777</i>	2.00	0.00	00'0	4.50
<i>СН77777777</i>	5.00	0.00	52'0	3.75
GH77777777	2:00	0.00	00:0	4.50
099999999	2:00	0.00	00'0	4.50
ЭКООООООООО	0.00	5.00	0.25	4.75
Totals	85.00	15.00	1.00	39.00

Health Insurance Claim	GDCB GDCA L	GDCA	Low-income	Covered D
Number (HICN)	The sale		Cost-Sharing	Plan Paid
			Subsidy	Amount
	HE SOUND IN		Amount	(CPP)
1 0 0 m			(rics)	
AA11111111	10.00	0.00	00:0	00.00
AA11111111	10.00	0.00	00'0	7.50
AA111111111	10.00	0.00	00'0	00.00
AA11111111	00'0	10.00	00.0	9.50
8822222222	10.00	0.00	00.0	00:00
8822222222	10.00	00.0	00.0	7.50
8822222222	10.00	0.00	00'0	00:0
DD4444444	10.00	00'0	00.0	00.0
EE55555555	0.00	10.00	00.0	9.50
6677777777	10.00	0.00	00.0	9.00
6677777777	10.00	0.00	1.50	7.50
6677777777	10.00	0.00	00:0	9.00
6666666611	10.00	00.00	00:00	9.00
000000000rr	0.00	10.00	0.50	9.50
Totals	110.00	30.00	2.00	78.00

Risk Sharing Calculation

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Part D Liability Cakulation.Outreach1

Description	Original Reconciliation
Direct Subsidy Payments	3,078,000
Part D Basic Premiums	2,100,000
Administrative Cost Ratio	0.15

Description	Original Reconciliation	
Direct Subsidy Payments	3,078,000	
Part D Basic Premiums	2,100,000	12.00
Administrative Cost Ratio	0.15	02.5
Target Amount	4,401,300	-
Description	Original	Improper Paymen Issue #1
URCC (CPP)	8,120,000	A THURSDAY
REINS Subsidy	1,620,000	
Net DIR	1,500,000	
Induced Utilization	1.018	ern
AARCC	4.911.591.36	

scription	Original Reconc. atron	Improper Payments - Issue #1	An Reco Is
CC (CPP)	8,120,000	82	Colon .
INS Subsidy	1,620,000		Consequence of
t DIR	1,500,000		Mary Company
fuced Utilization	1.018		September 1
RCC	4,911,591.36		20000

Description	Original	AARCC Risk Sharing
	Reconciliation	issue #1
AARCC	4,911,591	
STUL	4,841,430	f - 52
FTUL	4,621,365	220,065
FILL	4,181,235	San
STIL	3.961.170	0

escription	Original	AARCC Risk Sharing
ARCC	4,911,591	290,226
NI.	4,841,430	70,161
דטנ	4,621,365	220,065
นเ	4,181,235	Section 1 Control of the least
ער	3,961,170	

Description	Origina	AARCC Risk Sharing		
	Reconciliation	issue #1		
WRCC	4,911,591	290,226		
thu.	4,841,430	70,161		
ידטו	4,621,365	220,065		
The state of the s	4,181,235	0		
יונו	3,961,170	0		
	Original		Improper Payment	
bescription .	Reconciliation	Original	Reconciliation Risk	Impropo
	Risk Sharing	Reconciliation	Sharing Amounts	Recor
	Amounts	Liability	Issue #1	Liability
IO% Payment	70,161	56,129	70,108	
0% Payment	220,065	110,033	220,065	10
to Payment/Repayment	220,065	0	220,065	100
io Payment/Repayment	0	0	0	
0% Payment	0	0	0	1000
10% Payment	0	0	0	100

Risk smanng- improper reyment issue w.c.	DENT 1850E M.C.		
Description	Original Reconciliation		
Direct Subsidy Payments	3,078,000		
Part D Basic Premiums	2,100,000		
Administrative Cost Ratio	0.15		
Target Amount	4,401,300	-54	
Description	Adjusted Reconciliation	Improper Payments	Reco
URCC (CPP)	8,119,922	1950E HZ	
RFINS Subside	1 619 977		

Description	Adjusted Reconciliation Issue #1	AARCC Risk Sharing - Issue #2
AARCC	4,911,538	290,173
STUL	4,841,430	70,108
FTUL	4,621,365	220,065
FILL	4,181,235	9
STIL	3.961.170	0

Description	Improper Payment Reconciliation Risk Sharing Amounts Issue #1	Improper Payment Reconciliation Liability Issue #1	Improper Payment Reconciliation Risk Improper I Sharing Amounts - Reconcil Issue RD Issue RD	Improper F Reconcil
80% Payment	70,108	36,086		
50% Payment	220,065	110,033	220,065	200723
No Payment/Repayment	220,065	0	220,065	The State of the
No Payment/Repayment	0	0	0	The same of the sa
50% Payment	0	0	0	100
80% Payment	0	0	0	Storest by
Totals	\$10,238	166,119	510,211	

Reinsurance Calculation

surance Subsidy - Improper Payment issue M2:

Subsidy - Improper Poyment Fase #1. Original Payments Improper Payments
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UCS Calculation

LICS Subsidy - Improper Payment Issue #1:	nent issue A1:			UCS Subsidy - Improper Payment Issue #2:	ment issue #2:
	Original Reconciliation				Original Reconciliatio
PROP LICS AMT	Amounts			PROP LICS AMT	Amounts
Member Months	24,000			Member Months	24,
PROP LICS	2,880,000			PROP LICS	2,880,
			Improper		
			Payment		
	Original	Improper	Reconciliation		Original
	Reconciliation	Payment Amount Amounts - issue	Amounts - issue		Reconciliatio
CALL TO STREET, WHEN SAND	Amounts	- Issue #1	#1		Amounts
Non-PZP LICS	2,500,000	2	2,499,998	Non-P2P LICS	2,500,
P2P UCS	400,000	0	400,000	P2P UCS	400,
P2P NPP	100,000	0	100,000	P2P NPP	100,
Fotals	3,000,000	2	2,999,998	Totals	3,000,
Liability	120,000		119,998	Liability	120,
Net Liability	2			Net Liability	

ACLR APP 16

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Date: 3/28/2012 12:28:00 PM

From: "Christopher Mucke" cmucke@achsbs.com To: "optinference@gmail.com" optinference@gmail.com

Subject: PDE Modifications

Attachment: Modifying PDE Fields.docx;

Ray, here is the internal control issue I referenced regarding PDE modifications. In short, you have to precisely enter data to replace an event. How many times do you think someone just decided to enter a new event.

Christopher Mucke | Managing Principal | ACLR, LLC | 38705 7 Mile Rd, Ste 460 | Livonia, Michigan 48152-3975 | 744 - 4401 | 744 - 4401 | 744 - 4150 | 744 - 4150 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 | 745 |

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3.6 Modifying Prescription Drug Event Records (Slides 30-32)

To change a PDE after DDPS saves it, plans will submit an adjustment or deletion PDE. A small number of systems use "void and replace" methodology instead of adjustment logic. These systems do not send adjustment PDEs. They change data by voiding the record in error and replacing it with a new record. DDPS accepts either adjustments or "void and replace" changes. We use the term adjustment to describe both methods to change data. Examples of when an adjustment or deletion might be required include:

- Deletion: A beneficiary does not to pick up a prescription, and the plan is not notified until after the PDE record has been submitted.
- Adjustment: The pharmacy receives an Other Health Insurance (OHI) payment after the PDE has been submitted.
- Adjustment: A beneficiary is declared eligible for low-income assistance and the benefits are retroactive across several PDEs that have been submitted.
- Adjustment: The original payment to the pharmacy is changed after DDPS accepted the PDE.

When the Adjustment/Deletion Code is populated, DDPS recognizes that a record is being either adjusted or deleted. In order for one of these actions to take place, the record submitted with the adjustment/deletion field populated must match the record in the database to be adjusted or deleted in the following nine fields.

- HICN
- Service Provider ID
- Service Provider ID Qualifier
- Prescription Service Reference Number
- DOS
- Fill Number
- Dispensing Status
- Contract Number
- PBP ID

The first seven fields are located in the DET record. The last two fields, located in the BHD, identify the contract number of the plan that originally submitted the PDE Record and the Plan Benefit Package to which the beneficiary belongs. DDPS includes contract and PBP in adjustment match logic to reserve adjustment and deletion authority to the plan that originally submitted the data.

TABLE 3P - IMPACT OF THE ADJUSTMENT/DELETION CODE ON PDE RECORDS

CODE	CODE DEFINITION	IMPACT
A	Adjustment	If a current (active) record, matching the nine fields is found in the DDPS database the system will inactivate the old record and save the adjusted record.
D	Deletion	If a current (active) record, matching the nine fields, is found in the DDPS database, the system will inactivate the old record without saving the new record.
<blank></blank>	Original PDE	Indicates original PDE

If a current (active) record that satisfies the matching logic is not found, DDPS rejects the adjustment or delete record and returns an error message.

There are several things to keep in mind when undertaking this process:

- Internally, DDPS uses the file submission date to identify a PDE, therefore only one original record, adjustment, or deletion for an event can be submitted per day.
- Inactive records (i.e., adjusted or deleted records) are excluded from any payment calculations.
- Inactive records cannot be adjusted. If a plan wants to adjust a record that has previously been
 deleted, a new record must be submitted. A record that has previously been adjusted but not
 deleted retains an active record status (the most recent adjustment) and can be adjusted again.

CMS uses the term "final action" to describe the most recently accepted original, adjustment, or delete PDE record representing a single dispensing event.

Plans can minimize adjustment/deletion volume by waiting to submit PDEs until data have been finalized; however, plans must submit data according to the timeline specified by CMS, which is at least one accepted PDE file per calendar month and a PDE submission lag time of original PDEs submitted within 30 days of the date of service.

John Bonello

From:

John Bonello

Sent:

Wednesday, October 19, 2022 12:23 PM

To:

Pixley, Joseph (CIV); Golden, Augustus J. (CIV)

Cc:

Tom David

Subject:

G&A Costs

Joe,

The Court's Order of October 5, 2022 suggested that the parties work to cooperatively to identify any items of evidence that are unrelated to the damages requested and to appropriately account for the same.

To that end, ACLR has reviewed its G&A costs and identified four inadvertent inclusions. These four include the following:

- 1) May 17, 2011 \$63.50 of alcohol during a lunch charge was included in the costs. The tip was 22% of the overall bill so the portion of the tip allocated to the alcohol was \$13.97. ACLR will reduce its G&A costs for this lunch by \$77.47.
- 2) September 28, 2011 \$20.11 of alcohol was inadvertently included in the costs. ACLR will reduce its G&A costs for this charge of \$20.11.
- 3) October 26, 2011 A \$73.79 expense was inadvertently included in the costs. ACLR will reduce its G&A costs for this charge of \$73.59.
- 4) November 9, 2011 A charge of \$185.76 was inadvertently included in the costs. ACLR will reduce its G&A costs for this charge of \$185.76.

Accordingly, ACLR will reduce its G&A costs by \$356.93.

Regards,

John

John A. Bonello, Esq. David, Brody & Dondershine, LLP 2100 Reston Parkway Suite 370 Reston, Virginia 20191 (703) 264-2220 (703) 264-2226 (fax) www.dbd-law.com ibonello@dbd-law.com

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IN THE UNITED STATES COURT OF FEDERAL CLAIMS

ACLR, LLC)	
Plaintiff)	
v.) Civil Action No. 15-	
THE UNITED STATES) (Judge Campbell-Smi	ith)
Defendant)	

DECLARATION OF CHRISTOPHER MUCKE REGARDING ACLR, LLC'S STANDARD RECORD KEEPING SYSTEM

- I, Christopher Mucke, am competent to testify on the matters stated herein and make the following statements on personal knowledge and under oath:
- 1. I am the Managing Principal of ACLR, LLC ("ACLR") and am over 18 years of age.
- ACLR's standard record keeping system was originally implemented in April 2006
 and is presently in effect.
- 3. ACLR's standard record keeping system includes the use of Quickbooks, an accounting software package, to track costs; Microsoft File Explorer, which electronically stores vendor invoices, client work product, and archived communications data; Microsoft Outlook, which tracks company communications; external suppliers and various external file storage devices used to back up and secure company data to ensure against data loss; and paper files for employee and client contract information.

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- 4. All of ACLR's work efforts on behalf of CMS in its execution of the Part D RAC Contract utilized all components of ACLR's standard record keeping system.
- 5. The portion of ACLR's standard record keeping system used to track costs, accounting, and tax related information was Quickbooks. Amounts paid or incurred by ACLR were individually input into Quickbooks and consist of amounts paid for goods and services and are supported by vendor invoices (PX 441), receipts (PX 441), credit card statements (PX 441), payroll information (PX 432), and checks and EFT payment information included in bank statements (PX 430).
- 6. ACLR's vendor invoices (PX441), receipts (PX441), credit card statements (PX441), and payroll (PX432) and bank statement (PX 430) records used to support cost, accounting, and tax related information tracked in Quickbooks are kept in an electronic format and stored in Microsoft File Explorer.
- 7. To ensure against record and data loss, ACLR keeps and maintains back-up copies of all records in each component of its standard record keeping system on external storage devices and at various external suppliers.
- 8. In addition to tracking amounts paid or incurred by ACLR, ACLR utilizes Quickbooks to generate a variety of reports for accounting and tax purposes, including, but not limited to, expense reports (PX 441), check registers, balance sheets, trial balances, income statements (PX 444, 446, 448, 450, and 452), and its general ledger. PX 426, 433, 437, and 442 include check registers generated from Quickbooks and exported into Excel. Individual payments outlined in each of these check registers are individually referenced and tracked in ACLR's bank statements (PX 430).

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ACLR contracted with Automatic Data Processing, Inc. ("ADP") to provide payroll

services. ADP payroll services included making payroll and expense reimbursement payments to

ACLR employees, filing pertinent federal, state, and local payroll reports/returns, and generating

W-2 and other tax information necessary for ACLR to comply with federal and state law (PX 431,

445, 447, 449, 451, and 453). ADP was also responsible for maintaining employee records

pertaining to employee commencement/termination dates, pertinent personal information,

employee deduction information including 401k, insurance, and garnishment, direct deposit and

pay records, and filing and paying federal, state, and local taxes on behalf of ACLR. (PX 432).

The records generated through ADP are kept and maintained within the Microsoft File Explorer

portion of ACLR's standard record keeping system.

Invoices and payroll reports generated by ADP as well as invoices and related 10.

supporting documentation for all other vendors providing goods and services to ACLR are kept

and maintained in an electronic format in Microsoft File Explorer and on external storage devices

and at various external suppliers.

9.

Work product, communications, and records supporting work efforts performed by 11.

ACLR personnel and related stakeholders on behalf of the Part D RAC contract in the 2007 and

2010 Duplicate Payment audits are maintained on ACLR's standard recordkeeping system -

specifically, Microsoft Outlook, File Explorer, and external backup repositories and suppliers (PX

1-3, 5-6, 9-93, 97, 103-105, 110-112, 114, 117-257, 259-425).

I declare, under penalty of perjury, that the foregoing is true and correct.

Executed this 14th day of October, 2022.

Christopher Mucke

ACLR, LLC v. USA

Exhibit 269 General Administrative T4C Cost Summary

4		
- 1	OT.	4

		General & Ad	ministrative Ex	penses - Base Per	riod	
Mth	Equipment &	IT Services	Misc G&A	Professional	Travel	Totals
	Fixtures		Exp	Sves		
Feb	167.21	1,085.00	4,388.93	0.00	20.00	5,661.14
Mar	48,549.33	27,562.07	11,002.89	2,890.00	3,347.13	93,351.42
Apr	50,000.00	25,480.00	817.13	0.00	4,165.00	80,462.13
May	1,960.88	18,937.63	5,139.58	6,500.00	5,145.77	37,683.86
Jun	51,196.31	3,789.42	3,774.56	8,249.00	14,094.62	81,103.91
Jul	5,190.19	42,736.83	1,116.66	0.00	0.00	49,043.68
Aug	2,361.94	5,650.31	5,520.07	186.00	-150.00	13,568.32
Sep	11,917.19	8,978.86	1,529.13	0.00	2,942.98	25,368.16
Oct	6,897.31	17,141.01	1,621.65	5,600.00	860.69	32,120.66
Nov	52.94	10,390.68	3,580.06	56.00	110.83	14,190.51
Dec	0.00	9,110.78	2,582.28	15,399.00	1,297.34	28,389.40
Jan	105.88	40,658.51	3,861.65	0.00	0.00	44,626.04
Totals	178,399.18	211,521.10	44,934.59	38,880.00	31,834.36	505,569.23

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J,4VOIL II	heck	04/06/11	1651	Dixon, Bruce	Transportation	Travel	PNC Checking		T4C00015	T4C01								
3,417 Ch	heck	04/11/11	1653	CCH	Subscriptions - Legal DB	Misc G&A Exp												
3,425 Ch		04/15/11		Barnes, Jason D			PNC Checking		T4C00012	T4C01								
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3,438 Ch	heck	04/27/11	1660	Dixon, Bruce	Meals & Entertainment	Travel	PNC Checking		T4C00015	T4C01								
3,438 Ch	neck	04/27/11	1660	Dixon, Bruce	Transportation	Travel	PNC Checking											
3,452 Ch		05/05/11	1661	Greensfelder, Hemker & Gale	Legal Fees				T4C00015	T4C01								
3,455 Ch		05/05/11	1664			Professional Svcs	PNC Checking		T4C00015	T4C01								
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3,462 Ch		05/12/11		Bright House	Internet Expense	IT Services	PNC Checking	262.68	T4C00015	T4C01								
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100 m	TOP STATE		588	American Express	Flight	Travel	The state of the s	1,849.62		1000								
355 E.	AND STATE		100	American Express	Information Technology	IT Services		2,260.00		588817								
Ap. Cre	edit Card	0000	-	American Express	Lodging	Travel	STATE OF THE PARTY	1,373.06	But MARKET PORT	TACOL								
,484 Ch	narge	05/19/11	EFT	American Express	Meals & Entertainment	Travel	PNC Checking			T4C010								
7A-5 03	New York		200				15 2 1 1 1 1 1 1 1	852 91	EN ALIXE	T4C010								
5 1 10	Park St		800	American Express	Office Expense	Misc G&A Exp	10 m	420.24		1200								
1000	STATE OF THE PARTY		NAME OF	American Express	Postage & Handling	Misc G&A Exp	THE STREET	17.47	FREE CO.	A COURT								
Section 2	10000	THE REAL PROPERTY.	1000	American Express	Telephone Expenses	Misc G&A Exp	150015000000	314.79		53868								
15	DESIGNATION OF	NOTE: STORY	12:110	American Express	Transportation	Travel	September 1	263 38										
3,475 Che	neck	05/20/11	1703	Miscellaneous	Property	Misc G&A Exp	PNC Checking		T4C00018	Missing								
3,478 Che		05/20/11		State Farm	Insurance	Misc G&A Exp												
,479 Che		05/20/11		State Farm			PNC Checking		T4C00015	T4C01								
,485 Ch					Insurance	Misc G&A Exp	PNC Checking		T4C00018	T4C01								
		05/25/11		Dell Financial Services	Equipment	Equipment & Fixtures	PNC Checking		T4C00015	T4C01								
,486 Che		05/25/11		Millennium Solutions, Inc	Internet Expense	IT Services	PNC Checking	64 95	T4C00018	T4C01								
486 Che		05/25/11		Millennium Solutions, Inc	Office Expense	Misc G&A Exp	PNC Checking		T4C00018	T4C01								
,486 Che	neck	05/25/11		Millennium Solutions, Inc	Office Expense	Misc G&A Exp	PNC Checking		T4C00018	T4C010								
,496 Che	teck	06/01/11		Greensfelder, Hemker & Gale	Legal Fees	Professional Svcs	PNC Checking		T4C00018									
,497 Che		06/01/11		State Farm						T4C010								
					Property	Misc G&A Exp	PNC Checking		T4C00018	Missing								
,498 Che		06/01/11		Bright House	Internet Expense	IT Services	PNC Checking	262.68	T4C00019	T4C01								
,499 Che		06/03/11		Millennium Solutions, Inc	Office Expense	Misc G&A Exp	PNC Checking	1,060.00	T4C00018	T4C010								
,522 Che	reck	06/15/11	1719	Miscellaneous	Furniture & Fixtures	Equipment & Fixtures	PNC Checking		T4C00018	Missing								
16/0 250	1000000	TONE ACTION		American Express	Colo Center	IT Services	- Ottowning											
雅艺			932					1,800.00	1 TO 1 TO 1 TO 1	3 1300								
SEAT SON	ALL BEALT		KEP?	American Express	Information Technology	IT Services	William States	146 74	THE THE PARTY	B (10)								
280 FR	PARTER NA		100 B	American Express	Flight	Travel	Mary Charles	5,444.60	Black Co.	10000								
	edit Card	06/20/11	EFT	American Express	Lodging	Travel	DNG CI	1 222 62	TIO	T4C010								
Cha	arge	TO ZO II	0.1	American Express	Meals & Entertainment	Travel	PNC Checking	1,208.80	T4C00019	T4C011								
28	11/13/21/38			American Express	Office Expense	Misc G&A Exp		192.27	The state of the	1								
THE STREET	DO CONTRACTOR		200	American Express	Telephone Expenses	Misc G&A Exp	U.S. C. S. C.	314.60	THE WHOLE	253500								

ACLR, LLC v. USA

Exhibit 269 G&A Payments

3 of 4

Trans#	Туре	Date	Nun	i Name	Account	Туре	Charge	Amount	Exhibits	nt Location Exhibit :
	#1000 m(A) 1200	AVAILABILE DE		American Express	Transportation	Travel		660.19	261/268	
	PARKET	THU WAR		American Express	Flight	Travel	- C C (1/0)(2)	50.00		DUNE
	7	ALCOHOL:		American Express	Information Technology	IT Services		1,580.00	A STATE OF THE STA	100
		The state of	100	American Express	Lodging	Travel		3,594.96		
3,564	Credit Card	06/27/11	EFT	American Express American Express	Meals & Entertainment	Travel		886.47	THE RESERVE ASSESSMENT OF THE PERSON NAMED IN	T4C0111
STREET, STREET,	Charge	The second		American Express	Office Expense	Misc G&A Exp	PNC Checking		T4C00019	T4C0114
		The Royal	No.	American Express	Postage & Handling	Misc G&A Exp	- fallenger	186.35 321.07		TAX SECTION
			1000	American Express	Telephone Expenses	Misc G&A Exp			654.45	1000
ALC: N	- CALLEY	113260	1	American Express	Transportation	Travel		525 93		
	Check	06/28/11	1724	Millennium Solutions, Inc	Computer Equipment	Equipment & Fixtures	PNC Checking		T4C00023	T4C0114
	Check	06/28/11	1724	Millennium Solutions, Inc	Furniture & Fixtures	Equipment & Fixtures	PNC Checking		T4C00023	T4C0115
	Check Check	06/28/11	1725		Legal Fees	Professional Svcs	PNC Checking	775.00	T4C00023	T4C0115
	Check	07/05/11	1727		Equipment	Equipment & Fixtures	PNC Checking		T4C00023	T4C0115
	Check	07/08/11	1729	Millennium Solutions, Inc	Information Technology	IT Services	PNC Checking		T4C00023	T4C0116
	Check	07/19/11	1763		Office Expense	Misc G&A Exp	PNC Checking		T4C00023	T4C0116
	Check	07/25/11	1765		Office Expense	IT Services	PNC Checking		T4C00023	T4C0116
	Check	07/25/11	1767	Dell Financial Services	Equipment	Misc G&A Exp Equipment & Fixtures	PNC Checking		T4C00023	T4C0116
	Check	07/26/11	1768		Information Technology	IT Services	PNC Checking PNC Checking		T4C00023	T4C0116
3,571	Check	07/27/11	1771	SMC Investors, LLC	Office Expense	Misc G&A Exp	PNC Checking		T4C00026	T4C0117
3,733	J/E	07/30/11	EFT	Millennium Solutions, Inc	Computer Equipment	Equipment & Fixtures	PNC Lease		T4C01369	Missing T4C0117
	Check	08/03/11	1773	Тусо	Office Expense	Misc G&A Exp	PNC Checking		T4C00026	T4C0117
	Check	08/08/11	1776	Miscellaneous	Office Expense	Misc G&A Exp	PNC Checking		T4C00026	Missing
	Check	08/15/11	1777	Greensfelder, Hemker & Gale	Logal Fees	Professional Svcs	PNC Checking		T4C00026	T4C0117
	Check	08/16/11	1778	Bright House	Internet Expense	IT Services	PNC Checking		T4C00027	T4C0117
3,632	Check	08/17/11	1779	Dell Financial Services	Equipment	Equipment & Fixtures	PNC Checking		T4C00026	T4C0117
21/1/19		WE WITH	15 /	THE THE PERSON NAMED	STORESTONE OF THE PROPERTY OF	BUILDING NOW BUILDING	Manager of the		285 38002	150000
			196	American Express	Colo Center	IT Services		5,443.00		22
2 620	Credit Card	00/19/12	-	American Express	Computer Equipment	Equipment & Fixtures		2,150.00		TICOLIS
3,630	Charge	08/17/11	EFT	American Express	Lodging	Travel	PNC Checking	-150.00	T4C00026	T4C0118
	The state of the s		REAL OF	American Express	Office Expense	Misc G&A Exp		2,711.81		1400115
			200	American Express	Postage & Handling	Misc G&A Exp		23 77		B. 100
3 616	Check	08/22/11	1702	American Express	Telephone Expenses	Misc G&A Exp	THE REAL PROPERTY.	242.12	Interested	Philippin
	Check	08/29/11	1783	Tyco	Office Expense	Misc G&A Exp	PNC Checking		T4C00026	T4C0119
	Check	09/06/11	1786	State Farm Millennium Solutions, Inc	Insurance	Misc G&A Exp	PNC Checking		T4C00029	T4C0119
	Check	09/12/11	1789	Miscellaneous	Information Technology	IT Services	PNC Checking		T4C00029	T4C0119
	Check	09/16/11	1790	Bright House	Computer Equipment Internet Expense	Equipment & Fixtures	PNC Checking		T4C00029	T4C0119
2,850,000	MANUFACTURES.	DATE OF THE PERSON	11.74	Disgrittouse	BREINEL EXPERSE	IT Services	PNC Checking	218.86	T4C00029	T4C0119
	MANAGE .		100	American Express	Colo Center	IT Services		1 530 00		A STATE OF THE PARTY OF THE PAR
	Condit Cond		93	American Express	Telephone Expenses	Misc G&A Exp		1,520.00 242.99		377
3,665	Credit Card Charge	09/19/11	EFT	American Express	Lodging	Travel	PNC Checking		T4C00029	T4C01199
1	Charge		5000	American Express	Meals & Entertainment	Travel		249.51	1400027	T4C0121
			A	American Express	Office Expense	Misc G&A Exp	n Desceles III	684.42		THE VIEW
			28.15.	American Express	Transportation	Travel	and the same of the same of	1,041.29		Dill Co
3,679		09/26/11		Millennium Solutions, Inc	Computer Equipment	Equipment & Fixtures	PNC Checking		T4C00032	T4C0121
3,682		09/26/11		Тусо	Office Expense	Misc G&A Exp	PNC Checking		T4C00029	T4C0122
3,683		09/26/11		Bright House	Telephone Expenses	Misc G&A Exp	PNC Checking	538.22	T4C00032	T4C0122
3,684		09/26/11	1797	Dell Financial Services	Equipment	Equipment & Fixtures	PNC Checking	52 94	T4C00032	Missing
3,702		10/03/11	1799	Millennium Solutions, Inc	Computer Equipment	Equipment & Fixtures	PNC Checking		T4C00032	T4C0122
3,702	CHECK	10/03/11	1001	Тусо	Furniture & Fixtures	Equipment & Fixtures	PNC Checking	455.00	T4C00032	T4C0122
3,703	Check	10/05/11	1802	Millennium Solutions, Inc	Carlo	57.0	Spills syren	전략사들은	NAME OF STREET	T4C0122
3,703		10/05/11	1802	Millennium Solutions, Inc	Information Technology	IT Services	PNC Checking		T4C00032	T4C0122
3,724		10/18/11	1805	C & J Electrical Services	Information Technology Furniture & Fixtures	IT Services	PNC Checking		T4C00032	HE WALLSON
100 100	MATERIAL S	Hija Jakana	1000	American Express	Colo Center	Equipment & Fixtures	PNC Checking		T4C00032	T4C0123
			WE !	American Express	Internet Expense	IT Services IT Services	Marie Control	2,410.00		H7 7 3 3
	Caldia C		1	American Express	Lodging	Travel	- 12 To 18 1	140.00 588.72	THE REAL PROPERTY.	200
3,704	Credit Card	10/18/11	EFT	American Express	Office Expense	Misc G&A Exp	PNC Checking		T4C00032	T4C0123
No.	Charge		ATIN	American Express	Postage & Handling	Misc G&A Exp	- 14C Checking	440.95	14000032	T4C0124
	25.50		MOT.	American Express	Telephone Expenses	Misc G&A Exp		88 11	SECTION SECTION	
	ALCOHOL: N	September 1987	The sale	American Express	Transportation	Travel	AL MARKET	271.97	STATE OF THE PARTY	
3,725		10/19/11		Millennium Solutions, Inc	Computer Equipment	Equipment & Fixtures	PNC Checking		T4C00035	T4C0125
3,726		10/19/11	1807	Millennium Solutions, Inc	Information Technology	IT Services	PNC Checking		T4C00035	T4C0125
3,734		10/21/11	1808	Bright House	Telephone Expenses	Misc G&A Exp	PNC Checking			T4C0125
3,736		10/21/11	1810		Office Expense	Misc G&A Exp	PNC Checking			T4C0125
3,737		10/21/11		Bright House	Internet Expense	IT Services	PNC Checking		T4C00032	T4C0125
3,739		10/24/11		Miscellaneous	Office Expense	Misc G&A Exp	PNC Checking			Missing
3,740		10/24/11		Dell Financial Services	Equipment	Equipment & Fixtures	PNC Checking			Missing
3,759		10/31/11		Clark Hill	Legal Fees	Professional Svcs	PNC Checking		T4C00035	T4C0126
3,766		11/14/11	1822	Millennium Solutions, Inc	Information Technology	IT Services	PNC Checking			T4C0126
3,768		11/14/11	1824	Greensfelder, Hemker & Gale	Legal Fees	Professional Svcs	PNC Checking			T4C0127
3,774	heck	11/15/11	1825	Bright House	Internet Expense	IT Services	PNC Checking			T4C0128
THE REAL PROPERTY.	THE REAL PROPERTY.	S CONTRACTOR	No.	CONTRACTOR AND		A STORY OF THE	Termonia Con	BURNEY TO	Selemen.	COMPAND NO
FERV	111111111111111111111111111111111111111	CONTRACTOR OF	WENT	American Express	Colo Center	IT Services	The second	2,410.00	100	- Steam
3 720	Credit Card Charge	11/15/11	EFT	American Express	Internet Expense	IT Services	DNG CL	140.00	T. Control	T4C0129
	narge	Streetman	Alles		Meals & Entertainment	Travel	PNC Checking	110.83	T4C00036	T4C0130
,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,	A STATE OF THE PARTY OF THE PAR									
	DESCRIPTION OF THE PARTY OF THE			American Express American Express	Office Expense Postage & Handling	Misc G&A Exp Misc G&A Exp		125.86	A CONTRACTOR	STATE OF

Case 1:15-cv-00767-PEC Document 169-1 Filed 10/24/22 Page 28 of 31

ACLR, LLC v USA Exhibit 269
G&A Payments

4 of 4

Frans #	Туре	Date	Num	Name	Ассыні	Туре	Charge	Amount	Documen	it Location			
									Exhibits	Exhibit 28			
2 701	Check	11/20/12	1827						261/268				
	Check	11/28/11	1827	Bright House	Telephone Expenses	Misc G&A Exp	PNC Checking	556.45 T4		T4C01301			
		11/28/11	1829		Office Expense	Misc G&A Exp	PNC Checking	63.50 T4		T4C01304			
	Check	11/28/11		AT&T	Office Expense	Misc G&A Exp	PNC Checking	2,453,94 T4		T4C01300			
	Check	11/28/11		Dell Financial Services	Equipment	Equipment & Fixtures	PNC Checking	52.94 T4	IC00038	T4C01308			
	Check	12/02/11		Fisher, Daryl	Contractor Wages	Misc G&A Exp	PNC Checking	225.00 T4	IC00038	N/A			
	Check	12/08/11		Millennium Solutions, Inc	Internet Expense	IT Services	PNC Checking	780.00 T4	IC00038	T4C01309			
	Check	12/15/11		Zoho Corporation	Information Technology	IT Services	PNC Checking	5,157.00 T4	C00038	T4C01311			
	Check	12/15/11		Fisher, Daryl	Contractor Wages	Misc G&A Exp	PNC Checking	550.00 T4	C00038	N/A			
3,817	Check	12/19/11	1840	Clark Hill	Legal Fees	Professional Svcs	PNC Checking	15,399.00 T4	C00038	T4C01314			
STATE	TO SHARE	S. BORD	1888	American Express	Lodging	Travel	A STREET AND A STREET	484.91	Name of the last	All houses			
	Calculate A		100	American Express	Transportation	Travel	A STATE OF THE PARTY OF THE PAR	487.27		T4C01327-			
3,860	Credit Card Charge	12/20/11	EFT	American Express	Meals & Entertainment	Travel	DVG GL A	325 16					
5,000				1220/11	ge		American Express	Postage & Handling	Misc G&A Exp	PNC Checking	19.29	T4C00038	T4C01342
			. 55%	American Express	Office Expense	Misc G&A Exp	THE RESERVE OF THE PERSON NAMED IN	310.76		1401-150			
F 10		CONTRACTOR OF STREET	and the	American Express	Colo Center	IT Services	A STREET, STRE	2,410,00		1817			
	Check	12/27/11	1842	Тусо	Office Expense	Misc G&A Exp	PNC Checking	63.50 T4	C00038	T4C01343			
	Check	12/27/11	1843	Bright House	Internet Expense	IT Services	PNC Checking	763.78 T-		T4C01344			
3,826	Check	12/27/11	1845	AT&T	Office Expense	Misc G&A Exp	PNC Checking	1,413 73 T4		T4C01348			
3,827	Check	01/10/12	1846	Dell Financial Services	Equipment	Equipment & Fixtures	PNC Checking	52 94 T4		T4C0134			
3,850	Check	01/10/12	1854	Millennium Solutions, Inc	Information Technology	IT Services	PNC Checking	4,278,50 T4		T4C0135			
3,861	Check	01/13/12	1855	Fisher, Daryl	Contractor Wages	Misc G&A Exp	PNC Checking	450,00 T4		N/A			
3,871	Check	01/13/12	EFT	Tranxact Global	PNC Visa	Misc G&A Exp	PNC Checking	140.00		T4C01			
3,871	Check	01/13/12	PFT	Colo Rent	PNC Visa	Misc G&A Exp	PNC Checking	2,410.00		T4C01			
3,828	Check	01/16/12	1847	Fisher, Daryl	Contractor Wages	Misc G&A Exp	PNC Checking	275.00 T4		N/A			
3,862	Check	01/17/12	1856	Miscellaneous	Postage & Handling	Misc G&A Exp	PNC Checking	73.15 T4		Missing			
3,866	Check	01/17/12	1860	AT&T	Internet Expense	IT Services	PNC Checking	1,413,73 T4		T4C0136			
3,852	Check	01/18/12	1852	Millennium Solutions, Inc	Information Technology	IT Services	PNC Checking	10,615.00 T4		T4C01350			
3,864	Check	01/18/12		Millennium Solutions, Inc	Information Technology	IT Services	PNC Checking	10,030,00 T4		T4C0136			
3,875	Check	01/24/12		Dell Financial Services	Equipment	Equipment & Fixtures	PNC Checking	52.94 T4		Missing			
3,876	Check	01/24/12	***	Тусо	Office Expense	Misc G&A Exp	PNC Checking	63.50 T4		T4C01365			
3,886	Check	01/27/12		Fisher, Daryl	Contractor Wages	Misc G&A Exp	PNC Checking	450.00 T4		N/A			
3,889	Check	01/31/12	-	Millennium Solutions, Inc	Information Technology	IT Services	PNC Checking	14,321.28 T4		T4C0166			
tai	ALCOHOLD CO.	ASSURE ILE	200000	The state of the s	Internation recitionsy	14 Del Arces	Ti INC CHECKING	505,569.23	C00047	140000			

Page 1 (Pages 1-4)

Theresa Ann Schultz Case No. 15-767 ACLR, LLC v. THE UNITED STATES October 24, 2017

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Page 1		Page 3
· · · · · · · · · · · · · · · · · · ·	lι	APPEARANCES:
2 OF FEDERAL CLAIMS	2	
3x	3	On behalf of the Plaintiff:
4 ACLR, LLC	4	JOHN A. BONELLO, ESQ.
5 Plaintiff,	5	David, Brody & Dondershine, LLP
6 -vs- Civil Action No. 15-767	6	12355 Sunrise Valley Drive
7 THE UNITED STATES (Judge Campbell-Smith)	7	Suite 650
<pre>8 Defendant.</pre>	8	Reston, Virginia 20191
9x	9	703.264.2220
10 Tuesday, October 24, 2017	10	Jbonello@dbd-law.com
11 Baltimore, Maryland	111	<u> </u>
12	12	On behalf of the Defendant:
13 THE DEPOSITION OF THERESA ANN SCHULTZ	13	ADAM E. LYONS, ESQ.
14	14	U.S. Department of Justice
15 (Page 38, line 4 through Page 53, line 10	15	National Courts
16 MARKED CONFIDENTIAL)	16	1100 L Street, NW
17	17	Washington, DC 20530
18 (Page 67, line 17 through Page 72, line 6	18	202.305.3622
19 MARKED CONFIDENTIAL)	19	Adam.e.lyons@usdoj.gov
20	20	, , , ,
21	21	
22	22	
	╀	*
Page 2		Page 4
1	1	APPEARANCES: (Continued)
2	2	
3 THE DEPOSITION OF THERESA ANN SCHULTZ	3	On behalf of the HHS:
4		
	4	LUCY MAC GABHANN, ESQ.
5	5	LUCY MAC GABHANN, ESQ. BRETT BIDERER
6 The deposition of THERESA ANN SCHULTZ		
The deposition of THERESA ANN SCHULTZ was taken on Tuesday, October 24, 2017,	5	BRETT BIDERER
The deposition of THERESA ANN SCHULTZ was taken on Tuesday, October 24, 2017, commencing at 9:10 a.m., at the Department of	5	BRETT BIDERER US Department of Health and Human
The deposition of THERESA ANN SCHULTZ was taken on Tuesday, October 24, 2017, commencing at 9:10 a.m., at the Department of Health and Human services, Office of General	5 6 7	BRETT BIDERER US Department of Health and Human Services
The deposition of THERESA ANN SCHULTZ was taken on Tuesday, October 24, 2017, commencing at 9:10 a.m., at the Department of Health and Human services, Office of General	5 6 7 8	BRETT BIDERER US Department of Health and Human Services 7500 Security Boulevard
The deposition of THERESA ANN SCHULTZ was taken on Tuesday, October 24, 2017, commencing at 9:10 a.m., at the Department of Health and Human services, Office of General Counsel, 7500 Security Boulevard, Central	5 6 7 8 9	BRETT BIDERER US Department of Health and Human Services 7500 Security Boulevard Baltimore, Maryland 21244
The deposition of THERESA ANN SCHULTZ was taken on Tuesday, October 24, 2017, commencing at 9:10 a.m., at the Department of Health and Human services, Office of General Counsel, 7500 Security Boulevard, Central Building, Baltimore, Maryland, before CHERYL	5 6 7 8 9	BRETT BIDERER US Department of Health and Human Services 7500 Security Boulevard Baltimore, Maryland 21244 Lucymacgabhann@hhs.gov
The deposition of THERESA ANN SCHULTZ was taken on Tuesday, October 24, 2017, commencing at 9:10 a.m., at the Department of Health and Human services, Office of General Counsel, 7500 Security Boulevard, Central Building, Baltimore, Maryland, before CHERYL NICHOLSON, CCR, CLR, Stenotype Reporter and	5 6 7 8 9 10	BRETT BIDERER US Department of Health and Human Services 7500 Security Boulevard Baltimore, Maryland 21244 Lucymacgabhann@hhs.gov
The deposition of THERESA ANN SCHULTZ was taken on Tuesday, October 24, 2017, commencing at 9:10 a.m., at the Department of Health and Human services, Office of General Counsel, 7500 Security Boulevard, Central Building, Baltimore, Maryland, before CHERYL NICHOLSON, CCR, CLR, Stenotype Reporter and Notary Public in and for the State of Maryland.	5 6 7 8 9 10 11 12	BRETT BIDERER US Department of Health and Human Services 7500 Security Boulevard Baltimore, Maryland 21244 Lucymacgabhann@hhs.gov
The deposition of THERESA ANN SCHULTZ was taken on Tuesday, October 24, 2017, commencing at 9:10 a.m., at the Department of Health and Human services, Office of General Counsel, 7500 Security Boulevard, Central Building, Baltimore, Maryland, before CHERYL NICHOLSON, CCR, CLR, Stenotype Reporter and Notary Public in and for the State of Maryland.	5 6 7 8 9 10 11 12 13	BRETT BIDERER US Department of Health and Human Services 7500 Security Boulevard Baltimore, Maryland 21244 Lucymacgabhann@hhs.gov
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The deposition of THERESA ANN SCHULTZ was taken on Tuesday, October 24, 2017, commencing at 9:10 a.m., at the Department of Health and Human services, Office of General Counsel, 7500 Security Boulevard, Central Building, Baltimore, Maryland, before CHERYL NICHOLSON, CCR, CLR, Stenotype Reporter and Notary Public in and for the State of Maryland.	5 6 7 8 9 10 11 12 13 14 15	BRETT BIDERER US Department of Health and Human Services 7500 Security Boulevard Baltimore, Maryland 21244 Lucymacgabhann@hhs.gov
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	Page 9		P 11
╛,	said but	١.	Page 11
1 2	Q. Hopefully she didn't place the blame	'	Q. And on which contracts are you a
3	on me.	2	8
4	A. No. No.	3	A. None assigned to me. I do some
5	Q. Just the experience in general, right?	4 5	contracting officer work if to pick up any to help out with my the rest of my staff. So
6	A. Yes. It was we talked about the	5	I don't have any that are directly assigned to
7	experience of it.	7	me.
8	Q. Okay. Did you look at any documents	8	Q. What are your responsibilities as the
9	when you met with counsel?	٩	director of DPIFMC?
10	A. Maybe one. Maybe one document.	10	A. I manage the team of contract
111	Q. And what document was that?	111	specialists and contracting officers.
12	A. It was an email.	12	Q. Is that for all of CMS?
13	Q. And what did the email say?	13	A. No. It's a team of I believe we
14	A. I don't remember.	14	have 12 on the team.
15	Q. Okay. Was it from you?	15	Q. And that's a combination of
16	A. No.	16	contracting officers and contracting
17	Q. Do you know who it was from?	17	specialists?
18	A. I believe it was from Tanette Downs.	18	A. Yes.
19	Q. Do you know generally what it had to	19	Q. And does it pertain to any particular
20	do with?	20	area?
21	A. I believe it had to do with an audit	21	A. Yes. Center for Program Integrity and
22	issue.	1	some of Office of Financial Management
\vdash	Page 10	╁	
١.	_	١.	Page 12
1	Q. Do you remember what the audit issue was?	1	contracts, non-IT.
$\begin{vmatrix} 2 \\ 3 \end{vmatrix}$	A. No.	2	Q. And what does CPI stand for?
4	A. NO.	١ ،	1 0 1 5 7 7 1
	As we so through the decourant to low	3	A. Center for Program Integrity.
-	Q. As we go through the documents today,	4	Q. And what is the significance of that
5	if you see it, then just let me know if you	4 5	Q. And what is the significance of that Center for Program Integrity? What do they do?
5 6	if you see it, then just let me know if you would.	4	Q. And what is the significance of that Center for Program Integrity? What do they do? A. They work with program integrity
5 6 7	if you see it, then just let me know if you would. A. Okay.	4 5 6 7	Q. And what is the significance of that Center for Program Integrity? What do they do? A. They work with program integrity obviously but fraud, waste and abuse in
5 6 7 8	if you see it, then just let me know if you would. A. Okay. Q. What's your position at CMS?	4 5 6 7 8	Q. And what is the significance of that Center for Program Integrity? What do they do? A. They work with program integrity obviously but fraud, waste and abuse in Medicare. They also handle the RAC program.
5 6 7 8 9	if you see it, then just let me know if you would. A. Okay. Q. What's your position at CMS? A. I am a the director of the Division	4 5 6 7 8 9	Q. And what is the significance of that Center for Program Integrity? What do they do? A. They work with program integrity obviously but fraud, waste and abuse in Medicare. They also handle the RAC program. Q. Is that all of the RAC programs?
5 6 7 8 9	if you see it, then just let me know if you would. A. Okay. Q. What's your position at CMS? A. I am a the director of the Division of Program Integrity and Financial Management	4 5 6 7 8 9	Q. And what is the significance of that Center for Program Integrity? What do they do? A. They work with program integrity obviously but fraud, waste and abuse in Medicare. They also handle the RAC program. Q. Is that all of the RAC programs? A. Now, yes.
5 6 7 8 9 10	if you see it, then just let me know if you would. A. Okay. Q. What's your position at CMS? A. I am a the director of the Division of Program Integrity and Financial Management Contracts, and I am also a contracting officer.	4 5 6 7 8 9 10	Q. And what is the significance of that Center for Program Integrity? What do they do? A. They work with program integrity obviously but fraud, waste and abuse in Medicare. They also handle the RAC program. Q. Is that all of the RAC programs? A. Now, yes. Q. And how long has CPI handled all of
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5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	if you see it, then just let me know if you would. A. Okay. Q. What's your position at CMS? A. I am a the director of the Division of Program Integrity and Financial Management Contracts, and I am also a contracting officer. Q. So the director of the division of A. Division of Program Integrity and Financial Management Contracts. Q. Is there an acronym for that? A. DPIFMC. Q. And how long have you been the director of DPIFMC? A. I believe since 2011.	4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	Q. And what is the significance of that Center for Program Integrity? What do they do? A. They work with program integrity obviously but fraud, waste and abuse in Medicare. They also handle the RAC program. Q. Is that all of the RAC programs? A. Now, yes. Q. And how long has CPI handled all of the RAC programs? A. I don't remember. It's been recent. Q. How long have you been the director of the division of PIFMC? A. In 2011. Q. And from 2011 through today, you've held similar responsibilities? A. Yes.
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A. Contracting officer.

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A. The contracting officer -- a

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Cc	ise NO. 15-767		October 24, 2017
	Page 89	Γ	Page 91
1	follow the same review process as the RAC.	1	with what the that draft statement of work
2	And then it says: The DVC will also	2	
3		3	(Schultz Exhibit No. 95 was marked for
4		4	identification.)
5	Do you know what the term validate	5	BY MR. BONELLO:
6	means there?	6	Q. I'm showing you what's been marked as
7	A. I'm not sure what the UFR records are.	7	Exhibit 95.
8	So I don't know.	8	Are you familiar with this document?
9	Q. You don't know what validate means in	9	A. I was copied on it, but I'm I don't
10	the context of 2.2?	10	really recall it.
11	A. I don't know what validate means and	11	Q. Did you assist Ms. Hoey in preparing
12	what a UFR record is. I don't know what a UFR	12	this document?
13	record is.	13	A. I probably read it. Let me read it.
14	Q. And under this Section 2.2, the DVC is	14	Q. We'll go through parts of it.
15	supposed to use the same process as the RAC?	15	A. Okay.
16	A. It would appear so. The DVC will	16	Q. If you're looking to see if you're
17	follow the same review process as the RAC	17	mentioned in it or something, I don't believe
18	according to this.	18	you specifically are.
19	Q. So if they're to use the same process,	19	A. Okay.
20	the DVC, they're not to use any other process,	20	Q. In terms of the authority of Ms. Hoey
21	correct?	21	to issue the denial of the claim, is she the one
22	A. Unless there's it's specifically	22	that has authority to do that and makes the
	Page 90		Page 92
1	indicated in their contract, I don't know.	1	decision as to whether to do that?
2	(Schultz Exhibit No. 94 was marked for	2	A. Yes. To the best of my knowledge,
3	identification.)	3	yes.
4	BY MR. BONELLO:	4	Q. Does she need your approval as her
5	Q. I'm showing you what's been marked as	5	supervisor to do that?
6	Exhibit 94. This is from March 16th of 2012,	6	A. No.
7	and it looks like meeting minutes.	7	Q. If you look at the bottom of the first
8	If you look under Section 2 on the	8	page of the claims now, it says: Basically it
9	first page, doesn't that indicate that the DVC	9	appears that ACLR's allegations are that CMS has
10	is using a different process than what ACLR was	10	constructively terminated and breached the terms
11	using in its accuracy review?	11	of the above-referenced contract.
12	MR. LYONS: Objection, foundation.	12	Would you agree with that statement?
13	THE WITNESS: I can't tell by this	13	A. I would agree that that is ACLR's
14	if I don't know if by this if they are	14	allegation, yes.
15	using a different process.	15	Q. Do you agree with the allegation? Or
16	BY MR. BONELLO:	16	do you believe the allegation is true?
17	Q. If the statement of work indicates	17	A. No. We did not terminate their
18	that the DVC was using the same process but the	18	contract.
	THE RESERVE TO THE RE		

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20 the contract?

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21 contract?

22

19 DVC was actually using a different process,

20 wouldn't that be inconsistent with the RAC

A. Yes. I guess it could be inconsistent

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Q. What about constructively terminating

Q. What about breaching the terms of the

A. I don't believe we did, no.